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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: August T. Lembo
Deputy Attorney General
Division of Law
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P.O.B. 45029
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

ALAN P. GREENBERG, D.C. :
LICENCE NO. MC02914 :

Administrative Action

FINAL ORDER

TO PRACTICE CHIROPRACTIC IN THE :
STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Chiropractic Examiners on the filing of the Attorney General's complaint on September 12, 1995, and the respondent having considered said complaint and hereby admitting to the allegations contained therein, and hereby waiving any right to a hearing on said complaint, and the Board having considered the complaint and the within order and having found good cause for the entry hereof,

IT IS THEREFORE ON THIS 2nd day of January, 1996
ORDERED THAT:

1. Respondent's license to practice chiropractic in the State of New Jersey be and hereby is revoked. Respondent shall abide by the attached "Directive Regarding Future Activities of a Chiropractic Board Licensee who has been Disciplined."

2. Respondent shall, contemporaneously with the entry of this order, pay or commence payment of costs to the board in the amount of seven thousand forty-five and 85/100 (\$7,045.85) dollars by certified check(s) or money order(s) made payable to the New Jersey State Board of Chiropractic Examiners; at Respondent's discretion, payment may be made in 24 equal monthly payments of two hundred ninety three and 58/100 (293.58) dollars, provided the first payment is made contemporaneous with entry of this order, and each payment thereafter is made on the first day of each calendar month, and the full amount is paid within two years of the date of this order.

3. Upon any failure by respondent to make any payment as required by this order, the balance owed shall, at the discretion of the Board, be immediately due and payable.

4. Respondent shall take such steps as may be necessary to provide notice of the cessation of his practice of chiropractic to

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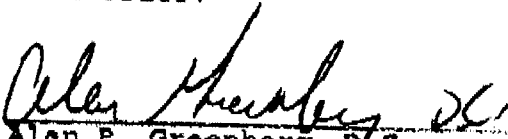
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all current patients and to make patient records available to all current and past patient and to comply with all other requirements of N.J.A.C. 13:44E-2.2(g).

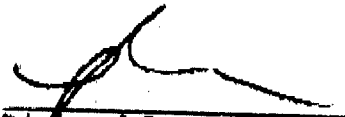
NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

By: 
Gerald Sternbach, D.C.
President


I have read, and I understand all terms and conditions of the within Order. I agree to be bound by these terms and conditions and hereby give my consent to the entry of this Order.


Alan P. Greenberg, D.C.

Consented as to form and entry.


Richard Rapone, Esq.
Counsel for Respondent

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY
Counsel to State Board of
Chiropractic Examiners

By: 
August T. Lembo
Deputy Attorney General

DIRECTIVE REGARDING FUTURE ACTIVITIES OF
CHIROPRACTIC BOARD LICENSEE WHO HAS BEEN DISCIPLINED

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of the licensed profession in any form either as principal or employee of another.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the licensee. When a new professional is selected by a patient, the disciplined practitioner shall promptly make available the original or a complete copy of the existing medical record to the new professional, or to the patient if no new professional is selected. Such delivery of record does not waive any right of the disciplined practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices the profession.
- 5) Desist and refrain from furnishing professional services, giving an opinion as to the professional practice or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice the profession or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice the licensed profession. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing, such as listing in a professional directory of any type or a telephone directory or radio or television advertisement.
- 6) Not use any sign or advertise that such person, either alone or with any other person has, owns, conducts or maintains a professional office or office of any kind for the practice of the profession or that such person is entitled to practice, and such person shall promptly remove any sign suggesting ability of the disciplined practitioner to practice the profession.
- 7) Cease to use any stationery whereon such person's name appears as a professional in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully disposed of, transferred or safeguarded.

- 8) The disciplined licensee shall require that for a six-month period following the start of a suspension or revocation of license, a message be delivered to those telephoning the former office premises advising former patients where they may obtain their records. The message may inform callers that the practice is now being conducted by (another) named licensee, and the new telephone number of that licensee may be announced. --The same information shall be disseminated by means of a notice to be published at least once per month for the same six month period in a newspaper of general circulation in the geographic vicinity in which the professional practice was conducted.
- 9) Not share in any fee for professional services performed by any other professional following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.
- 10) Use of the professional premises. The disciplined licensee may allow another licensee to use the office premises formerly occupied by the disciplined licensee on the following conditions only:
 - (a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, etc.
 - (b) The disciplined licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The disciplined licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and/or equipment.
 - (c) No use of name of disciplined licensee or personally owned office name or tax- or provider identification number.
 1. Where the disciplined licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a corporation, the disciplined licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the disciplined licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.
 2. Where the disciplined licensee is a member of a professional group which uses a group-type name such as the ABC Medical Group. The disciplined licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board disciplinary Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the disciplined licensee, and may continue to use its corporate or professional identification number.

- 11) Report promptly to the Board compliance with each, directive requiring moneys to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.
- 12) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:
 - 1) Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the disciplined licensee to appear, to remove any listing indicating that the practitioner is a licensee of the New Jersey State Board of Medical Examiners in good standing.
 - 2) Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.
- 13) A practitioner whose practice privileges are affected by a Board disciplinary Order shall, within 30 days after the effective date of the Board Order, file with the Secretary of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence address or telephone number shall be promptly reported to the Secretary.

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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

Administrative Action

ORDER OF TEMPORARY SUSPENSION

ALAN P. GREENBERG, D.C. :
License No. MC02914 :

TO PRACTICE CHIROPRACTIC IN THE :
STATE OF NEW JERSEY :

THIS MATTER was opened to the New Jersey State Board of Chiropractic Examiners on the application for a temporary suspension of respondent's license to practice chiropractic brought by Attorney General Deborah T. Poritz (August T. Lembo, Deputy Attorney General, appearing). An Order to Show Cause was signed by Gerald Sternbach, D.C., Board President, on September 12, 1995, by which a hearing was scheduled for September 21, 1995.

The Verified Complaint filed simultaneously with the Order to Show Cause alleged that between the period March 15, 1995 through April 17, 1995, respondent failed to properly diagnose, treat and refer the patient S.R., an investigator operating in a covert capacity, to an appropriate health care provider based upon symptoms presented which constituted an abnormality not generally recognized as amenable to chiropractic treatment. It was alleged that such failure could result

in delays in appropriate treatment for symptoms of a condition that could be interpreted as life threatening. In light of the symptoms presented by S.R., respondent's conduct was alleged to have violated N.J.S.A. 45:1-21(c) (gross malpractice), N.J.S.A. 45:1-21(d) (repeated negligence) and N.J.S.A. 45:1-21(e) (professional misconduct). Said conduct is also alleged to be in direction violation of N.J.A.C. 13:44E-1.1 (a) and (b). In addition, it is alleged that respondent rendered health care beyond the scope of chiropractic by prescribing, dispensing and administering certain purportedly remedial substances in violation of N.J.A.C. 13:44E-1.1(d). Additionally, it is alleged that respondent failed to keep contemporaneous permanent patient records in violation of N.J.A.C. 13:44E-2.2(a) and failed to include the term "chiropractor" in conjunction with the use of the title "doctor" on all billing receipts and health profile forms in violation of N.J.S.A. 45:9-14.5, all in violation of N.J.S.A. 45:1-21(e). It was alleged that, by generating false payment receipts which masked the severity of S.R.'s complaints, respondent engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in violation of N.J.S.A. 45:1-21(b).

In support of this application, the Attorney General relied upon the Certification of Special Investigator Sharon Voigt. The sufficient proof was provided demonstrating that respondent had been served with the Order to Show Cause, Verified Complaint and Notice of Hearing. No answer was submitted on behalf of respondent prior to the return date of the hearing.

At its regular monthly meeting on September 21, 1995, the Board conducted a hearing on the Attorney General's application, with Gerald

L. Sternbach, D.C., presiding. Respondent's attorney Richard T. Rapone, Esq., by way of telephone conference spoke with Deputy Attorney General August T. Lembo immediately prior to the hearing stating that, although both he and respondent had notice of the hearing, neither would be appearing on the Order to Show Cause. Deputy Attorney General Lembo then proceeded with the prosecution of the matter relying solely on the documents entered into evidence and presented to the Board.

The Certification of S.R. evidenced the following un rebutted facts. S. R. was seen by respondent in his office on three separate occasions between the period of March 14, 1995 through April 17, 1995. At the time of each visit, S.R. reported symptoms consisting of dark black bloody stools, constant fatigue and weight loss of approximately fifteen pounds over the prior two months. Respondent's response on each occasion was to reassure S.R. that he could treat her with remedies that were "safe and natural." Respondent's diagnosis and treatment on each occasion merely consisted of questioning S.R. about her fears and feelings in order to determine the purported appropriate remedy. At no time during any of the three visits did respondent even discuss chiropractic treatment of any sort to S.R. Nor did respondent perform any chiropractic physical exam or procedure for purposes of diagnosis or treatment.

As to the purported remedies offered by respondent, respondent refused S.R.'s request for remedies at the end of the first visit. At that time he told S.R. that it wouldn't hurt her to wait one week so that he could be sure that he was giving her the right remedies. When S.R. returned to respondent's office on March 20, 1995, respondent

handed S.R. two vials containing tiny white round pellets and advised her that the remedies were for her black stools and her anxiety.¹ On S.R.'s last visit of April 17, 1995, respondent dispensed a remedy he referred to as Barium carbonate.²

Of paramount significance to the Board was respondent's failure to refer S.R. to another appropriate health care professional for treatment of the symptoms presented. In fact, the record clearly demonstrates that when respondent was specifically asked by S.R. whether she should go to a hospital for x-rays and blood tests, respondent reassured her that he could treat her and that he would let her know when the appropriate time came to refer her to a hospital.

The Attorney General argued that these symptoms suggested a life threatening condition and that respondent's failure to properly diagnose and refer S.R. to an appropriate health care provider compellingly reflected the requisite clear and imminent danger to the public by respondent's continued practice in New Jersey pending plenary hearing.

Based on the record before it, the Board concludes, applying its chiropractic expertise, that there has been a palpable demonstration that respondent's continued practice would pose a clear and imminent danger to the public. Respondent was presented with symptoms that clearly indicated the probability of a life threatening condition. Based on those symptoms, which are not generally recognized as amenable to chiropractic treatment, respondent failed to make an appropriate

¹ One vial was labeled "Lycopodium Clavatum" and the other was labeled "1x1 day".

² When S.R. telephoned the manufacturer listed on the label of the vial, she was told that the pellets were carbonate of baryta.

chiropractic diagnosis/analysis and failed to immediately refer patient S.R. to an appropriate health care provider for care. Instead, the record clearly establishes that respondent recklessly offered patient S.R. "remedies" including a vial containing tiny white pellets, marked "Lycopodium Clavatum" and a vial filled with tiny white round pellets marked with the instructions "1x1 day," which remedies fall clearly outside the scope of the practice of chiropractic. By providing these inappropriate remedies and failing to refer the patient for conventional medical treatment, respondent created a substantial risk to patient S.R.'s health.

In reaching this conclusion, the Board has given consideration to adopting measures short of an immediate temporary suspension. It has, however, expressly concluded that any requirement which might provide practice oversight would be insufficient to address the risk inherent in respondent's continued practice. The failure to diagnose, treat where indicated and refer when appropriate is so fundamental to the safe practice of chiropractic that any half-way measure would be insufficient to protect the public. It is respondent's underlying diagnostic skill that has been substantially put into question by facts proven here. Thus, the Board cannot countenance respondent's continued practice for any period of time pending disposition of the plenary hearing. In considering the totality of the evidence before us, the Board thus must conclude that the Attorney General has demonstrated a course of conduct which, if permitted to continue, would pose a clear and imminent threat to those who entrust their health to respondent.

WHEREFORE, IT IS on this 12th day of October, 1995,

ORDERED, that:

1. Respondent's license to practice chiropractic in the State of New Jersey shall be and hereby is temporarily suspended effective Nunc Pro Tunc as of September 21, 1995, pending final disposition of the charges before the Board.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS

By: _____

Gerald L. Sternbach, D.C.
Board President

WHEREFORE, IT IS on this day of , 1995,

ORDERED, that:

1. Respondent's license to practice chiropractic in the State of New Jersey shall be and hereby is temporarily suspended effective Nunc Pro Tunc as of September 21, 1995, pending final disposition of the charges before the Board.

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS

By: _____
Gerald L. Sternbach, D.C.
Board President

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
MEMORANDUM

Date: February 16, 1996

TO: Charles A. Janousek, Executive Director
Board of Chiropractic Examiners

FROM: August T. Lembo
Deputy Attorney General

SUBJECT: Alan Greenberg, D.C.

The Board recently entered into a Consent Order for the revocation of the license of Dr. Greenberg. However, I believe that Dr. Greenberg also has a license to practice chiropractic in Delaware. I believe that he may have moved his practice into Delaware wholesale. You may want to have the Enforcement Bureau investigate this, and you may certainly want to be sure to advise the Delaware Chiropractic Licensing Agency of the Consent Order.


A.T.L.

ATL/ig
cc: Pauline Foley, DAG



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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS
DEBORAH T. PORITZ
ATTORNEY GENERAL

State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW

124 HALSEY STREET

PO Box 45029

NEWARK NJ 07101

(201) 648-3070

JAYNEE LAVECCHIA
ASSISTANT ATTORNEY GENERAL
DIRECTOR

CHRISTINE TODD WHITMAN
Governor

September 11, 1995

New Jersey State Board of Chiropractic Examiners
12 Halsey Street - 6th Floor
Newark, New Jersey

Re: Alan P. Greenberg, D.C. / Letter Brief in Support of
Order to Show Cause for Temporary Suspension of
License

Dear Board Members:

This letter brief is submitted in support of the Attorney General's application for the temporary suspension of the license of Alan P. Greenberg, D.C. to practice chiropractic in the State of New Jersey. This application is based upon Respondent's (a) gross deviation from proper and accepted standards of chiropractic conduct regarding a patient (actually an undercover investigator for the Board of Chiropractic Examiners) who identified herself to Respondent as "Sharon Romano" (hereinafter "S.R."); (b) failure to refer S.R. to an appropriate health care provider in violation of N.J.A.C. 13:44E-1.1(d); (c) failure to make a chiropractic diagnosis or analysis based upon a chiropractic examination appropriate to the presenting patient, in violation of N.J.A.C. 13:44E-1.1(b); (d) rendering health care beyond the scope of chiropractic; (e) fraudulent conduct in charging for services that were not rendered in violation of N.J.S.A. 45:1-21(b); and (f)

other violations of law as set forth in the verified administrative complaint filed in this matter.

Statement of Facts

Dr. Alan P. Greenberg is a chiropractor with a license to practice chiropractic in the State of New Jersey. He has offices at 1 Central Avenue, Mays Landing, New Jersey. He is not licensed to practice medicine and surgery or osteopathy in New Jersey.

On or about March 15, 1995, S.R., an undercover investigator with the Enforcement Bureau/Professional Boards of the Division of Consumer Affairs of the State of New Jersey, went to Dr. Greenberg's office pursuant to a previously scheduled appointment. S.R. complained of dark black blood and black stools in her bowel movements, extreme fatigue and loss of approximately fifteen pounds over the period of the two previous months. Respondent took a short one (two-sided) page "Comprehensive Health Profile". However, he did not at this, or at any other visit with S.R. (there were two more visits over the next more than one month period and a fourth scheduled for May 15, 1995), perform any other chiropractic diagnostic procedures. He did not ask for prior health care records. He did not treat S.R. chiropractically. Indeed, he never laid a hand on S.R. Nor did he refer or suggest a referral to any other health care practitioner or facility for testing or treatment. He did not identify a clinical condition warranting chiropractic treatment. He did not make a chiropractic diagnosis or analysis. All these acts and failures to act occurred in the

September 11, 1995

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face of S.R.'s repeated expressed concerns with the blood in her stools and her concern that she might be bleeding to death (in response to which concern, Respondent on one occasion laughed) and in light of Respondent's own expressed opinion at the third visit on April 17, 1995, that S.R. was suffering from a duodenal ulcer.

Instead, Respondent asked S.R. about her childhood, her family life, past and present, her likes and dislikes, and other such questions. Respondent asked about S.R.'s fears and whether she was having trouble making decisions. Respondent posed various hypothetical life situations to Respondent, such as how she would feel standing naked in a crowded room.

In response to S.R.'s presented signs and symptoms, Respondent recommended, dispensed and administered various homeopathic remedies including tiny white pellets marked "Lycopodium Clavatum" and pellets of a remedy he called "Barium of Carbonate." With respect to the former, he stated the remedy was for the black stools and for S.R.'s anxiety.

It should be noted that Respondent pursued this course of conduct from S.R.'s first visit on March 15, 1995 through the third visit on April 17, 1995, and that he was prepared to continue the course of "purported treatment until the fourth visit for which S.R. never returned but which Respondent permitted to be scheduled for May 15, 1995.

For these services, Respondent charged one hundred sixty dollars for the first visit, and seventy dollars for each of the next two visits. He represented that he had rendered muscular

reeducation and an "extended office visit" for these charges for each of these visits.

ARGUMENT

IN VIEW OF THE GROSS DEVIATIONS FROM PROPER AND ACCEPTED STANDARDS OF CHIROPRACTIC CARE, DR. GREENBERG'S CONTINUED LICENSURE CONSTITUTES A CLEAR AND IMMINENT DANGER TO THE PUBLIC, AND ACCORDINGLY HIS LICENSE SHOULD BE TEMPORARILY SUSPENDED, PENDING ADJUDICATION OF THE ALLEGATIONS IN THE COMPLAINT

In providing for the temporary suspension of licensure by the Board, N.J.S.A. 45:1-22 states in pertinent part:

A board may, upon duly verified application of the Attorney General alleging an act or practice violating any provision of an act or regulation administered by such board, enter a temporary order suspending or limiting any license issued by the board pending plenary hearing on an administrative complaint; provided, however, no such temporary order shall be entered unless the application made to the board palpably demonstrates a clear and imminent danger to the public health, safety and welfare and notice of such application is given to the licensee affected by such order.

Dr. Greenberg has clearly deviated from proper and accepted standards of chiropractic care in his treatment of S.R. Dr. Greenberg endeavored to treat a condition which may well have been beyond the scope of chiropractic by means, including the recommendation, dispensing and administration of "remedies" or remedial substances, clearly beyond the scope of chiropractic.

But even if Dr. Greenberg were to suggest that the condition is not beyond the scope of chiropractic, then he acted with complete disregard for chiropractic standards. He failed to follow

any procedures to chiropractically diagnose S.R. He never laid hands on S.R., and he failed to treat S.R. chiropractically. His conduct constituted clear gross and repeated acts of negligence, malpractice and incompetence and professional misconduct.

The nature of the symptoms that were presented to Dr. Greenberg clearly could have suggested a life-threatening condition. Indeed, Dr. Greenberg stated to S.R. that he thought that S.R. had a duodenal ulcer, which, given the dark blood and stools, could have been bleeding. The Board may utilize its own professional expertise to determine that Dr. Greenberg's license should be temporarily suspended. The facts here compellingly reflect the requisite clear and imminent danger to the public if Respondent is permitted to continue to practice in New Jersey.

It is the duty of the Board to protect the public from such gross deviations from the proper and accepted standards of care. The Board should immediately act to remove Dr. Greenberg from the practice of chiropractic in New Jersey Given the clear and imminent danger demonstrated in the within application.

CONCLUSION

The Board should determine from the sworn statement presented that the public health, safety and welfare would be jeopardized by Dr. Greenberg's continued practice. The Attorney General respectfully urges the Board to enter an Order of Temporary

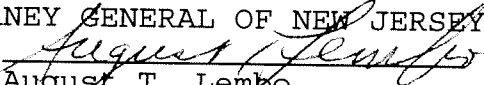
September 11, 1995

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Suspension pending a plenary hearing to ultimately resolve the merits of the complaint.

Very truly yours,

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: 
August T. Lembo
Deputy Attorney General

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DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: August T. Lembo
Deputy Attorney General
Division of Law
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NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

ALAN P. GREENBERG, D.C.
LICENSE NO. MCO2914

TO PRACTICE CHIROPRACTIC IN THE
STATE OF NEW JERSEY

: Administrative Action

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: VERIFIED COMPLAINT
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Deborah T. Poritz, Attorney General of New Jersey, by August T. Lembo, Deputy Attorney General, with offices located at the Division of Law, 124 Halsey Street, 5th Floor, Newark, New Jersey 07102, by way of Complaint says:

ALLEGATIONS COMMON TO ALL COUNTS

1. Complainant Attorney General of New Jersey is charged with enforcing the laws of the State of New Jersey pursuant to N.J.S.A. 45:17A-4 and is empowered to initiate administrative disciplinary

proceedings against persons licensed by the Board of Chiropractic Examiners pursuant to N.J.S.A. 45:1-14 et seq.

2. The New Jersey State Board of Chiropractic Examiners (hereinafter the "Board") empowered with the duty and responsibility of regulating the practice of chiropractic in the State of New Jersey pursuant to N.J.S.A. 45:9-41.4 et seq. and N.J.S.A. 45:1-14 et seq.

3. Respondent, Alan P. Greenberg, D.C. (hereinafter Respondent or "Dr. Greenberg") is the holder of License No. MC02914 with offices at 1 Central Avenue, Mays Landing, New Jersey 08330 and has been licensed to practice chiropractic in the state of New Jersey at all times relevant hereto.

4. Respondent is not nor has he ever been licensed to practice medicine and surgery or osteopathy in the State of New Jersey.

5. On or about March 15, 1995, Respondent began to treat a patient who identified herself as "Sharon Romano" (hereinafter "S.R."), a 47 year old woman; S.R. was actually an undercover investigator with the Enforcement Bureau / Professional Boards within the Division of Consumer Affairs of the State of New Jersey.

6. S.R. complained of dark black blood and black stools in her bowel movements, extreme fatigue and loss of approximately fifteen pounds in weight over the period of the prior two months.

7. Respondent asked S.R. about her childhood, her family life, past and present, her likes and dislikes; however, Respondent performed no physical examination of any kind, chiropractic or otherwise, did not ask to review prior health care records, did not schedule any diagnostic testing, and made no referral at any time to any other health care practitioner; Respondent never asked and S.R. did

not offer that she had been examined by any other health care practitioner for the symptoms she was presenting to Respondent.

8. Respondent performed no chiropractic treatment or services.

9. Respondent stated the blood in the stools could be from many different sources, including an ulcer, stress, diverticulosis, hemorrhoids or cancer; when S.R. asked which problem he thought it was, Respondent did not, at this first visit, suggest which problem he thought S.R. might have.

10. In response to S.R.'s question as to whether he planned to give her medicines or X-rays, Respondent said he planned to give her "remedies".

11. Respondent represented that he could definitely help S.R.; he stated that once all her inner turmoils were worked out, all else would follow, including fixing the blood in the stools.

12. Despite her request for something immediately to address her problems because she was concerned about her condition, Respondent indicated that he would ponder remedies for S.R. and that a one week delay would not hurt her.

13. S.R. was scheduled for a second appointment on March 20, 1995. Again, at this second visit, S.R. presented with the same symptoms as before. In response to numerous very specific questions asked of her by Respondent, S.R. repeated that she was worried about her condition, that she remembered how her husband had died of cancer, and that she would be anxious in coping with various hypothetical life situations put to her by Respondent, such as how she would feel standing naked in a crowded room.

14. Respondent performed no physical examination of any kind, chiropractic or otherwise, did not ask to review prior health care records, did not schedule any diagnostic testing, and made no referral to any other health care practitioner.

15. Respondent then again assured S.R. that he could help her.

16. Respondent then commented that he smelled eucalyptus and asked S.R. about that. S.R. told him she had a cold. Respondent gave S.R. a paper handout of items which could be used for S.R.'s cold. He also suggested Slippery Elm and Zinc lozenges; he also suggested various treatments for the cold including the "hot foot bath", "the wet sock treatment" and the "cold wet T-shirt treatment" for the cold.

17. Respondent then gave S.R. "remedies". One vial contained tiny white pellets, marked Lycopodium Clavatum, of which she was to take one capful immediately; Respondent also gave S.R. another vial and told her to take one of these pellets per day for one month until he saw her again; Respondent represented that these "remedies" were for the "yuky" black stools and for her anxiety.

18. When S.R. expressed concern that she might be bleeding to death, Respondent laughed and said she was not bleeding to death.

19. Again, Respondent performed no chiropractic treatment or services, nor did he perform any chiropractic diagnostic techniques, nor did he refer S.R. to any other health care provider.

20. S.R. was scheduled for a third appointment on April 17, 1995, approximately one month later.

21. At this third visit, S.R. said her cold was gone, but that she was still bleeding and still had extreme fatigue; Respondent

said S.R. was not looking thinner, but he did not take S.R.'s weight at this time, nor at any point in the three visits.

22. At S.R.'s inquiry as to whether she should go for tests, he responded that they should wait a little longer as she appeared to be getting better.

23. Respondent then opined that S.R. had a duodenal ulcer and that she was hypoglycemic; he further said that the black stools, fatigue and weight loss were not so important, but rather what was happening in S.R.'s life.

24. Respondent then gave S.R. a remedy he called Barium of carbonate, administered a dose in his office to S.R. and further directed S.R. to take one pellet per day until he saw her one month later. S.R. was billed ten (\$10) dollars for this remedy

25. A fourth appointment was scheduled for S.R. for May 15, 1995, approximately one month later; S.R. did not return for this appointment.

COUNT I

1. Complainant repeats the previous allegations as if fully set forth herein.

2. All the foregoing, and, in particular, in light of S.R.'s symptoms, Respondent's failure to perform appropriate chiropractic diagnostic procedures, failure to render any appropriate chiropractic treatment, and failure to refer to any other appropriate health care provider constitute gross and repeated acts of negligence, malpractice and incompetence and professional misconduct and, therefore, grounds pursuant to N.J.S.A. 45:1-21 (c), (d) and (e) for

revocation or suspension of Respondent's license to practice chiropractic in this State.

COUNT II

1. Complainant repeats the previous allegations as if fully set forth herein.

2. Respondent failed to identify a clinical condition warranting chiropractic treatment, and therefore violated N.J.A.C. 13:44E-1.1(a).

3. Respondent failed to make a chiropractic diagnosis or analysis based upon a chiropractic examination appropriate to the presenting patient, and therefore violated N.J.A.C. 13:44E-1.1(b).

4. The patient S.R. presented with symptoms indicating an abnormality not generally recognized as amenable to chiropractic treatment, to wit, black bloody stools, together with extreme fatigue and weight loss, but failed to refer the patient to an appropriate health care provider, and therefore violated N.J.A.C. 13:44E-1.1(b).

5. Respondent offered nutritional advice as treatment for a specific disease, defect or deformity and sold, dispensed or derived financial benefit from the sale of vitamins, food products or nutritional supplements and therefore violated N.J.A.C. 13:44E-1.1(d).

6. Respondent failed to keep contemporaneous permanent patient records as required by N.J.A.C. 13:44E-2.2(a) and therefore violated that regulation.

7. Respondent failed, on his billing receipt forms and on his comprehensive health profile forms, to use the term "chiropractor"

in conjunction with the title "doctor" or its abbreviation and therefore violated N.J.S.A. 45:9-14.5.

8. All the foregoing constitute violations of statutes or regulations administered by the Board, and, therefore, grounds pursuant to N.J.S.A. 45:1-21 (h) for revocation or suspension of Respondent's license to practice chiropractic in this State.

COUNT III

1. Complainant repeats the previous allegations as if fully set for herein.

2. In purporting to treat the conditions presented by S.R., Respondent rendered health care beyond the scope of chiropractic, including, but not limited to, doing so by prescribing, dispensing and administering certain purportedly remedial substances.

3. All the foregoing constitutes professional misconduct and, therefore, grounds pursuant to N.J.S.A. 45:1-21 (e) for revocation or suspension of Respondent's license to practice chiropractic in this State.

COUNT IV

1. Complainant repeats the previous allegations as if fully set for herein.

2. Respondent assured S.R. that he could definitely help her with her condition.

3. Respondent represented a diagnosis of fatigue on the receipts for payments whereas S.R.'s complaints were far more substantial; moreover, if the bloody stools had been identified on the

receipts, it would have been far more apparent that the condition could be outside the scope of chiropractic.

4. Respondent indicated on at least two payment receipts that part of the charge was for "muscle re-education" with the billing code designation "97112" whereas no such service was performed.

5. Respondent indicated on at least two payment receipts that part of the charge was for an "extended office visit" with the billing code designation "99214"; such a designation necessarily includes a comprehensive examination for an established patient; Respondent provided no such service in a chiropractic setting.

6. Respondent engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense, and therefore engaged in conduct constituting grounds pursuant to N.J.S.A. 45:1-21 (b) for revocation or suspension of Respondent's license to practice chiropractic in this State.

COUNT V

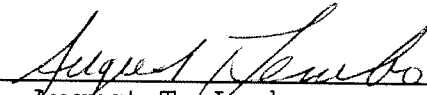
1. Complainant repeats the previous allegations as if fully set for herein.

2. The conduct by Respondent constitutes violations of N.J.S.A. 45:1-21 as set forth above, and further demonstrates a clear and imminent danger to the public health, safety and welfare such that Respondent's license to practice chiropractic in the State of New Jersey should be temporarily suspended pending a plenary hearing pursuant to N.J.S.A. 45:1-22.

WHEREFORE, it is respectfully demanded that the State Board of Chiropractic Examiners:

1. Temporarily suspend, and suspend or revoke the license heretofore issued to Respondent to practice chiropractic in the State of New Jersey;
2. Issue an Order directing Respondent to cease, desist and refrain from the practice of chiropractic in the State of New Jersey;
3. Assess such monetary penalties for each separate unlawful act as set forth in Counts I through III above;
4. Order payment of costs, including investigative costs, fees for expert witness and costs of trial, including transcripts;
5. Issue an Order directing Respondent to make appropriate restitution to any party or governmental entity aggrieved by the unlawful acts or practices of Respondents in the course of such conduct; and
6. Order such and further relief as the Board of Chiropractic Examiners shall deem just and appropriate.

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: 
August T. Lembo
Deputy Attorney General

DATED: September 11, 1945

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: August T. Lembo
Deputy Attorney General
Division of Law
124 Halsey Street, 5th Floor
P.O.B. 45029
Newark, New Jersey 07102
Tel. No. (201) 648-3070

FILED

SEP 12 1985

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

ORIGINAL

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	
ALAN P. GREENBERG, D.C.	:	
LICENSE NO. MCO2914	:	NOTICE OF HEARING AND
	:	NOTICE TO FILE ANSWER
TO PRACTICE CHIROPRACTIC IN THE	:	
STATE OF NEW JERSEY	:	

TO: Alan P. Greenberg, D.C.
1 Central Avenue
Mays Landing, New Jersey 08330

TAKE NOTICE that a Complaint, copy annexed hereto has been made to the New Jersey State Board of Chiropractic Examiners to consider the matter of the suspension or revocation of your license to practice chiropractic pursuant to the authority conferred upon the Board by N.J.S.A. 45:9-41.6 et seq., N.J.S.A. 45:1-14 et seq., laws pertinent to your profession and related administrative regulations. The Board requires you to file an answer to the above charge within ten (10) days from service of the Complaint. You may file an answer by mail to the address below.

An admission that the Complaints correct will indicate that you do not contest the charges stated, thus rendering unnecessary any


hearing in this proceeding. Your case will then be presented to the Board of Chiropractic Examiners together with any written matter you may submit with your plea in alleged mitigation of penalty, for a determination as to whether your license to practice should be suspended or revoked or a lesser sanction imposed and whether monetary penalties shall be assessed and, if so, the amount thereof pursuant to the authority conferred upon the Board by N.J.S.A. 45:9-41.6 et seq. and N.J.S.A. 45:1-14 et seq.

A denial of the Complaint will result in a formal hearing being conducted at a date, time and place to be determined by the New Jersey Board of Chiropractic Examiners which, upon notice to you, will hear the Complaint or refer the matter to the Office of Administrative Law. Adjournments will not be granted except upon timely written application to the Board and costs incurred as a result thereof may be taxed to you. You may appear at the hearing either in person or by attorney or both and you shall be afforded an opportunity to make defense to any or all of the charges.

Failure to respond to this Notice of Hearing and Notice to File an Answer or failure to appear as set forth herein may result in the matter being considered in your absence. A decision rendered by the Board may affect your privilege to practice your licensed

profession in this State.

NEW JERSEY STATE BOARD OF
CHIROPRACTIC EXAMINERS

By: 
Charles A. Jancusek
Executive Director

DATED:

KINDLY ADDRESS AN ORIGINAL AND ONE COPY OF ALL CORRESPONDENCE TO:

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET, 6TH FLOOR
NEWARK, NEW JERSEY 07102

WITH A COPY TO:

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY
ATTN: AUGUST T. LEMBO
DEPUTY ATTORNEY GENERAL
DIVISION OF LAW, 5TH FLOOR
P.O.B. 45029
NEWARK, NEW JERSEY 07101

FILED

SEP 12 1980

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

ORIGINAL

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: August T. Lembo
Deputy Attorney General
Division of Law - 5th Fl.
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Tel. (201) 648-4876

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC EXAMINERS
DOCKET NO.

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

ALAN P. GREENBERG, D. C.
LICENSE NO. MCO2914

TO PRACTICE CHIROPRACTIC
IN THE STATE OF NEW JERSEY

:
: Administrative Action
:

:
: **ORDER TO SHOW CAUSE; NOTICE**
: **OF HEARING AND REQUIREMENT**
: **TO FILE ANSWER**
:

TO: Dr. Alan P. Greenberg
1 Central Avenue
Mays Landing, New Jersey 08330

This matter was opened to the New Jersey State Board of Chiropractic Examiners by the Verified Administrative Complaint with supporting material, copy attached, of Deborah T. Poritz, Attorney General of New Jersey, by August T. Lembo, Deputy Attorney General, on notice to Respondent, seeking the suspension or revocation or other limitations on the license of Respondent Alan P. Greenberg, D.C. to

practice chiropractic and for other relief pursuant to the authority conferred on the Board by N.J.S.A. 45:9-41.17 et seq. and 45:1-14 et seq. and related administrative regulations, and it being alleged in the Complaint that the continued practice of chiropractic by Respondent represents a clear danger to the public health, safety and welfare. Accordingly, for good cause shown,

IT IS on this 11th day of September, 1995,

ORDERED that Respondent Alan P. Greenberg, D.C. show cause before the New Jersey State Board of Chiropractic Examiners at its meeting on September 21, 1995 at 124 Halsey Street, 6th Floor, Newark, New Jersey 07101 at 2:00 p.m. or as soon thereafter as may be practicable, why an order should not be entered temporarily suspending, the license of Alan P. Greenberg, D.C. to practice chiropractic in this State, and it is further

ORDERED that a copy of this Order together with the Verified Complaint and the affidavits and exhibits in support thereof be served upon Respondent Alan P. Greenberg, D.C. or his attorney forthwith, and it is further

ORDERED that Respondent shall file an Answer to the charges contained within the Verified Complaint not later than the close of business ten (10) days after service of this Order to Show Cause upon Respondent, said Answer to be entered by mail to the New Jersey State Board of Chiropractic Examiners, 124 Halsey Street, 6th Floor, Newark, New Jersey 07101 with a copy to August T. Lembo, Deputy Attorney

General, Division of Law, 124 Halsey Street, P.O. Box 45029, Newark, New Jersey 07102, and it is further

ORDERED that an admission of the charges will indicate that Respondent does not wish to contest the charges stated, rendering unnecessary any hearing in this proceeding. The case will then be presented to the State Board of Chiropractic Examiners within thirty (30) days from the receipt of Respondent's Answer or on an adjourned date together with any written matter he may wish to submit with the Answer in alleged mitigation of penalty, for a determination as to whether disciplinary sanctions, including suspension or revocation of Respondent's license to practice chiropractic or lesser sanction should be imposed and whether monetary penalty and costs shall be assessed and, if so, the amount thereof pursuant to the authority conferred upon the Board by N.J.S.A. 45:9-41.17 et seq. and N.J.S.A. 45:1-14 et seq., and it is further

ORDERED that a denial of the charges will result in a formal hearing which may be conducted by the Board or by an Administrative Law Judge who, upon notice to Respondent, will hear the Complaint and consider the imposition of disciplinary sanctions with respect to Respondent's license and may recommend the possible determinations set forth above. Respondent may appear at the hearing either in person or by attorney or both and shall be afforded an opportunity at the time to make defense to any or all of the charges, and it is further

ORDERED that failure to respond to this Order to Show Cause or failure to appear before the New Jersey Board of Chiropractic Examiners in person or by attorney as herein indicated, or failure to appear for formal hearing on the remainder of the charges as required, may result in this matter being considered in Respondent's absence on the proofs presented and an order may be entered against Respondent for any and all of the relief demanded in the Verified Complaint.

STATE BOARD OF CHIROPRACTIC EXAMINERS

By: _____
Gerald Steinbach, D.C.
President

KINDLY ADDRESS AN ORIGINAL AND ONE COPY OF RESPONDENT'S ANSWER SPECIFICALLY RESPONDING TO EACH PARAGRAPH OF THE VERIFIED COMPLAINT TO:

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS
124 Halsey Street
6th Floor
Newark, New Jersey 07101
TEL: (201) 504-6395


WITH A COPY TO:

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY
Attention: August T. Lembo
Deputy Attorney General
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

ORDERED that failure to respond to this Order to Show Cause or failure to appear before the New Jersey Board of Chiropractic Examiners in person or by attorney as herein indicated, or failure to appear for formal hearing on the remainder of the charges as required, may result in this matter being considered in Respondent's absence on the proofs presented and an order may be entered against Respondent for any and all of the relief demanded in the Verified Complaint.

STATE BOARD OF CHIROPRACTIC EXAMINERS

By:


Gerald Steinbach, D.C.
President

KINDLY ADDRESS AN ORIGINAL AND ONE COPY OF RESPONDENT'S ANSWER SPECIFICALLY RESPONDING TO EACH PARAGRAPH OF THE VERIFIED COMPLAINT TO:

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS
124 Halsey Street
6th Floor
Newark, New Jersey 07101
TEL: (201) 504-6395

WITH A COPY TO:

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY
Attention: August T. Lembo
Deputy Attorney General
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

ORDERED that failure to respond to this Order to Show Cause or failure to appear before the New Jersey Board of Chiropractic Examiners in person or by attorney as herein indicated, or failure to appear for formal hearing on the remainder of the charges as required, may result in this matter being considered in Respondent's absence on the proofs presented and an order may be entered against Respondent for any and all of the relief demanded in the Verified Complaint.

STATE BOARD OF CHIROPRACTIC EXAMINERS

By: 

Gerald Sternbach, D.C.
President

KINDLY ADDRESS AN ORIGINAL AND ONE COPY OF RESPONDENT'S ANSWER SPECIFICALLY RESPONDING TO EACH PARAGRAPH OF THE VERIFIED COMPLAINT TO:

NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS
124 Halsey Street
6th Floor
Newark, New Jersey 07101
TEL: (201) 504-6395

WITH A COPY TO:

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY
Attention: August T. Lembo
Deputy Attorney General
Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101

FILED

SEP 12 1985

NEW JERSEY BOARD OF
CHIROPRACTIC EXAMINERS

ORIGINAL

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By: August T. Lembo
Deputy Attorney General
Division of Law
124 Halsey Street, 5th Floor
P.O.B. 45029
Newark, New Jersey 07102
Tel. No. (201) 648-3070

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF CHIROPRACTIC EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	CERTIFICATION
ALAN P. GREENBERG, D.C.	:	IN SUPPORT OF
LICENSE NO. MCO2914	:	ORDER TO SHOW CAUSE
	:	
	:	
TO PRACTICE CHIROPRACTIC IN THE	:	
STATE OF NEW JERSEY	:	

1. I am and have been employed by the Enforcement Bureau / Professional Boards, Division of Consumer Affairs as an investigator since August 1988. I am also a registered nurse.

2. On March 3, 1995, I telephoned the office of Alan P. Greenberg, D.C. (hereinafter "Respondent") and spoke with a person with a female voice to make an appointment; I was informed the charge for the first appointment would be \$160.00 and it would last approximately one and one-half hours. I was advised that Respondent is a homeopathic

physician as well as a chiropractic physician. I said I did not like doctors very much since my husband died two years before.

FIRST VISIT

3. On March 14, 1995, at approximately 10:40 A.M., I made a covert visit to Respondent's office at 1 Central Avenue, Mays Landing, New Jersey 08330. I used the patient name "Sharon Romano". Investigator Thomas Duffy maintained surveillance outside.

4. A sign in front of the building included the words "Greenberg Chiropractic Center" together with Respondent's full name and telephone number. On the wall of the building to the right of the door, there was a sign that read "Homeopathic Information Center" and Respondent's telephone number.

5. Behind the counter at a desk in the reception/waiting room of the office there was an older woman who identified herself as Nellie. On the counter was a sign that read "Remedies--\$10.00, Payable to Hahnneman Pharmacy", as well as business cards that read "Chiropractor / Homeopathic Practice" under Respondent's name. (Exhibit 1). On a shelf behind a desk were five (5) small cabinets with sixty (60) small drawers in each cabinet.

6. A woman was sitting waiting for her sister who was a patient seeing Respondent. Respondent then appeared, accompanying the sister from the back room; Respondent spoke to both women; he said he would need to consider the sister's case and ponder what remedies would be best for her. They would need to return in approximately one week at which time he would determine how he would treat her.

7. At approximately 11:00 A.M., Respondent asked me to follow him into the back room. He then asked me why I came to see him. I

explained that I was not feeling well, I was having dark black blood in my bowel movements, was extremely tired all the time and had lost approximately fifteen (15) pounds over the last two months. I explained that my husband had died of cancer approximately two years before and I was tired of dealing with doctors. I did not trust them.

8 Respondent asked me if I understood Homeopathy. I said to some extent but not really. He said he would give me a handout later that would explain it. He wanted me to understand now that he would be asking me questions that could be uncomfortable and very intimate. He would need to know about my entire life and not just my symptoms. He said that what happens in the body was affected by the whole person.

9. I asked him if he planned to give me medicines and X-rays. He said no. He would give me "remedies" that were very safe and natural. They are diluted to strengths that could not hurt anyone, not even a child.

10. Respondent asked me about my childhood, my family life then and now, my likes and dislikes, etc. He asked what my biggest complaint was. I said blood in my stools, weight loss and fatigue. He asked me what the stools looked like. I said they were black bowel movements with dark, dark maroon almost black clots of blood with them. He asked me to confirm that they were black stools with black blood. I said yes. He asked which of these things impacted the most on my life. If I could only fix one at a time which would I fix first. He asked which had the most impact on my life. I said the most impact on my life was from the fatigue. I was extremely tired all of the time. He asked whether I was more concerned with fatigue than with the blood in my stools. I said that the blood in the stools worried

me and I wanted to fix that, and that that was why I was there, but the biggest impact on my lifestyle was the constant fatigue. I was too tired to do almost anything.

11. Respondent said he could definitely help me. He stated that once all my inner turmoils were worked out, all else would follow. I asked if that included fixing the blood in my stools. He said yes.

12. Respondent said that I might need to go for "investigation'" but that was not necessary at this point. I asked what he meant by investigation. He said I might need to go to a hospital to get tests such as X-rays and blood tests to see what is causing the blood. He said that the blood could be from many different sources, ulcer, stress, diverticulosis, hemorrhoids, or cancer. I asked which he thought might be my problem. He was evasive, he just repeated my symptoms. He would not give me a diagnosis.

13. I asked whether, if I went to the hospital, would I get treatment there or would he treat me. He assured me that he would take care of me, but it was important to know what the cause was because his treatment or remedy would be different for different causes. I asked him which hospital I would go to for the investigation. He said he would determine that when the time came, if it did.

14. I asked if I would have to have the investigation before he would give me a remedy. He said not necessarily.

15. At this point he started to ask about my fears and my reactions to situations, and my feelings in different situations. He would put some information into a lap top computer to which he was referring as I answered and would throw out different questions such

as "Do I like fruit?", "Do I have trouble swallowing?", "Was I a sickly child?"

16. The Respondent asked what my greatest fear was with my present illness. I said I was afraid that the blood in my stools meant cancer. He asked me why that scared me. I explained that my husband had died a long painful death from cancer and it frightened me to think I might also go through that pain and suffering. He said it could be so many things. He thought I looked very good and not gravely ill.

17. Respondent asked if he could look at my rectum to see if I had hemorrhoids. I said I didn't think so. He asked why not, and whether I was more afraid or embarrassed. I replied I was embarrassed. He said maybe we could do that some other time.

18. I asked if the blood would be dark black if it were hemorrhoids. I said I had hemorrhoids when I was pregnant and the blood was red. Respondent said it would depend. He did not elaborate on that. He then said he would have to review my case and ponder my responses before he could decide which "remedies" he would give me. I asked if the "remedies" were medicines. He said no they were "remedies". They were very dilute natural substances that would help my body to fight for its health. He said I should return the following week.

19. I asked respondent if he could give me something now as I was anxious about my condition. He said it was not going to hurt me to wait one week. He wanted to make sure he gave me the right "remedies".

20. Respondent gave me a handout entitled, " Homeopathy -- Alternative Medicine (Exhibit 2) and a handout (Exhibit 3) entitled

"Homeopathic Treatment" which explained his office policies, and gave office hours and fees. Then he walked me to the waiting area. I made an appointment to return on Monday, March 20, 1995, at 12:30 p.m.

21. The receptionist took my money for this visit and gave me a receipt (Exhibit 4) for the \$160.00 for the initial office visit. The receipt indicated my only diagnosis as fatigue. I exited at approximately 12:25 p.m.

SECOND VISIT

22. On March 20, 1995, I re-entered the Respondent's office for the purpose of a covert investigation at approximately 12:15 p.m. Maintaining surveillance across the street was Investigator Thomas Duffy. The same two older women who were there the week before were in the waiting room. The receptionist said that Respondent was running late. Respondent came out of the back room with a woman and her son, approximately eight or nine years old. Respondent went to one of the small drawers in the small cabinets mentioned in Paragraph 5 of this certification and took out a tiny vial and gave it to the mother. He told her to give the child the contents one drop per day. She paid her bill and exited.

23. The one older woman went into the back with Respondent. While waiting, I overheard the receptionist take a telephone call. She asked which child they were calling about, and determined it was "Mohammed." She told the person to continue giving the child the "remedy" that respondent had prescribed until they could bring the child in the following day at 4:00 p.m. to be seen by Respondent.

24. When Respondent took me into the back room, he said he was not clear on what my treatment should be. He felt I was not answering

his questions truthfully. I became a little angry and told him that I had answered his questions to the best of my ability and I would answer more questions but I did not feel good and wanted some help. He asked me more of the same questions. ("Did I have trouble swallowing?" "Did I have trouble in the sun?" "Was I afraid of being alone?") He then said there were thirty-six (36) different "remedies" that he could give me. I asked if I had to take them all. He laughed and said no, but that was his problem, trying to decide which would be the best for me to start with. He sat quietly for a minute, then asked me which was worst for me right now, dealing with my life situations or my illness. I said my illness. He asked why. I said that I felt so sick and so tired that I could not function in any capacity. I said I just wanted to feel good again. He then sat up enthusiastically and said that this was good and that he could help me. He gave me a paper (Exhibit 5) headed "Things to Avoid". I read it and asked if he meant all Homeopathic "remedies" as it said. He laughed and said it was supposed to also read "not prescribed by him," and that I was the third person that day that questioned that. In response to numerous very specific questions asked by Respondent, I repeated that I was worried about my condition, that I remembered how my husband had died of cancer, and that I would be anxious in coping with various hypothetical life situations put to me by Respondent, such as how I would feel standing naked in a crowded room.

25. Respondent commented that he smelled eucalyptus. I said I was taking cough drops for my cold. He told me to buy the items listed on the back of the handout (Exhibit #5, page #2), which were for head infections, colds, flu, sore throats, etc. I asked if I could buy the

Echinaces Extract from him. He said he did not want to compete with the health food stores that sent customers to him. He directed me to a health food store in the Festival Mall in Mays Landing. He also wrote Slippery Elm and Zinc lozenges on the bottom of the handout for my cough. (Exhibit 5, page 2)

26. Respondent went into the other room and came back with another handout (Exhibit 6) which he said was for my cold. On one side (page #1) it gave instructions for the hot foot bath, which he wanted me to do at night before I went to bed. On the other side (page #2) was the wet sock treatment, also for my cold and congestion. I asked if this would help my cough. Respondent told me to do both of these and to add the cold wet T-shirt treatment; this will require me to wet a T-shirt in ice water, put it on with a wool sweater over it and go to bed. (He wrote this on the handout).

27. Respondent then gave me my "remedies." (The remedies and all original receipts and handouts are in Evidence at the Bureau, Voucher #55-95-31.) The first was a tiny vial that appeared to be full of tiny white round pellets, marked Lycopodium Clavatum I was to take only about one third of this, a cap full. Respondent warned me several times to take this remedy in the house where it should be dark as it is very sensitive to the light. He gave me another vial that also appeared to be filled with tiny white round pellets, this had the instructions "1x1 day." This was marked by the Respondent. He instructed me to take one of these pellets per day for one month until I saw him again. He told me to wait at least one hour after the cough drop I had in my mouth, because it would affect the "remedies".

28. I asked what these "remedies" were for? He said for my "yuky" black stools. I asked if these would get rid of them. Respondent said they were for my black stools and my anxiety.

29. I told Respondent that my friend wanted me to go to another doctor. She said I could be bleeding to death. She told me that just the fact that my stools were black meant that there was blood in them. He laughed and said I wasn't bleeding to death.

30. Respondent then reminded me that he might have to send me for investigation at some point if the "remedies" were not working. He would have to give me different "remedies". But he felt that these "remedies" would help me. He cautioned me that my symptoms might get worst before they got better. That was the "aggravation" explained in the handout he had previously given me (Exhibit 2). If this happened for too long a time, I was to call him for that or if I had any questions. He told me to return in one month.

31. The receptionist gave me an appointment for April 17, 1995 at 12:30 p.m. She remarked that that filled her appointment book for that day. She gave me a receipt for my \$70.00 (Attachment G). It again listed my diagnosis as fatigue. This receipt was for \$50.00 for an extended office visit (with a billing code designation 99214) and \$20.00 for muscle re-education (with a code designation 97112).

32. The Respondent never even mentioned anything chiropractic to me nor did he do anything that could have been taken for anything chiropractic. He talked to me and gave me "remedies". The handout (Exhibit #3) that he gave me the first visit states that follow-up visits are \$70.00, it is not broken down into sections. I exited at approximately 1:20 p.m.

THIRD VISIT

33. On April 17, 1995, at approximately 12:30 p.m., I entered the Respondent's office for my third covert visit. Maintaining surveillance across the street were Investigator George Kern of the Bureau and two investigators for the Atlantic County Prosecutor's Office.

34. I waited approximately fifteen (15) minutes before respondent and a female in her thirties and a young male approximately thirteen came out of the back office. Respondent gave the woman a small vial and told her to call him if this did not start to work by Friday, April 28, 1995. He would then take the boy's chart home and review it over the weekend to decide what to do next. He would get in touch with her on May 1, 1995.

35. Respondent and I entered the back office. Respondent asked me how I was feeling, better or worse. I told him that my cold was better but I still had the bleeding and the extreme fatigue. He remarked that I was difficult to reach and must have been very busy these past weeks. I explained that I went away to help my son move. He asked if I had lost any more weight, and that he did not think I looked any thinner. I responded that I had not been on a scale recently. Respondent never took my weight.

36. Respondent asked about my fears and whether I was having trouble making decisions. I asked him what these questions had to do with my problems. He explained that he treats the person as a whole, not just the intestinal symptoms. That would be medicine. He treats what people are sensitive to. The blood in the stools, fatigue, and weight loss are from sensitivities. I noted that he had asked me if

I ate fruit and had problems with the sun. I asked whether I should worry about those things, and whether I was sensitive to them. I said, with summer coming if I am sensitive to the sun, I need to know. He said I need not worry, those were just questions to determine which "remedies" would be best.

37. Respondent looked at his lap-top and said that there were eight (8) "remedies" that would help me. I questioned whether that included the two (2) "remedies" that he had given me. He informed me that he had only given me one "remedy", two different strengths. The Respondent asked me many of the questions which he had asked me previously. He looked through a few books, and read his handwritten notes very carefully. I remarked that he made very stern faces when he looked at the notes and asked if I was very sick or just goofy. He responded that he was trying to figure out if the "remedy" that he gave me was working.

38. Respondent continued to ask me questions about my life, my fears, my menstrual cycle, stressing the need to know what in life I was sensitive to. He said that he needed to get a picture of my life. He said he only saw me in the office. He said that his questions give him the picture, and that how someone acts in life reflects on how they feel. He said that is why they get sick, because of the way they respond to life. He asked again if I felt any better. I responded that my cold was better.

39. He asked me if I had felt better after taking the "medicine".

40. I told him that my main concern was my black stools. He asked if they were red or black. I said black. He asked if the stool

itself was black. I said yes. I asked if he thought that I should go for investigation, as he told me before. He said he thought that we should wait a little longer. He felt that I was getting somewhat better, as my weight loss had stopped. He said that he thought that I had a duodenal ulcer. I asked if I still had it. He said that my pain in my stomach was better. I said that I did not have pain. (I had never complained of pain to Respondent) I said I had gas and nausea. I said I still had the nausea. He asked again if the blood still worried me. I said yes. He then looked at his notes and the computer again.

41. I asked if the medication that he gave me could be toxic if I took it for a long time. He said that they were so non toxic that a baby could take a whole bottle without ill effects. I said that the literature said that they were made with lead and poisons. He said that some were, but even those would not be toxic. I again asked about long term usage. He said not to worry because my "remedy" was made from moss.

42. Respondent said that he thought that the "remedy" that he gave me helped my cold but not "Sharon."

43. Respondent then asked me more of the family life questions. He decided that the "remedy" that so well fit my person, which he described as a child in a department store feeling like they had no control because they were three feet tall, did not have black stools associated with it. He said that he wanted to make sure that he gave me the right "remedy". I said that I did have black stools.

44. Respondent said that the black stools, fatigue, and weight loss were not so important. He said "What is happening in your life is what causes illnesses."

45. Respondent stated he felt that all was going in the right direction with me. He left the room and returned with two of the tiny vials, as before. However, he had a souffle cup into which he emptied a small amount of the white pellets from one of the vials, and told me to take it now and to take one pellet from the other vial once per day until I saw him again in four weeks.

46. I asked Respondent what the remedy was. He said it was Barium of Carbonate. (Note that when I telephoned the manufacturer listed on the label, they told me it was Carbonate of baryta). I took this remedy into the side of my mouth. It started to burn, so I spit it out. I told the SUBJECT that I felt funny when I stood up. He said it was not the "remedy".

47. Respondent stated he thought I was hypoglycemic. He asked if I spit out all of the remedy. I said no, not all, but I asked whether I should take more. He said it did not matter how much I took as long as I took most of the original dose he gave me. If I did not feel like it I did not have to take it every day, but that every other day would be fine.

48. I made an appointment for approximately one month later on May 15, 1995 at 10:30 a.m.

49. I was given a receipt for \$70.00 for the office visit (Exhibit #8). The receptionist asked for \$10.00 in addition for the "remedy". If I were going to pay by check, it would have to be a

separate check. I paid in cash, so I did not get a receipt for this. I exited at approximately 1:35 p.m.

50. There were no licenses or diplomas displayed at the time of my three (3) covert visits.

51. Respondent at no time during the three visits ever touched me for purposes of either diagnosis or treatment; he never laid hands upon me.

52. Respondent never suggested X rays nor any other type of diagnostic test.

53. Respondent never suggested any specific type of exercise for me.

54. I never offered and Respondent never asked me whether I had been seen by any other health care professional for the symptoms I was presenting to him.

I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED:

September 7, 1995 *Sharon Voigt*
Sharon Voigt

Mon. March 20-12:30

(609) 625-7335

Dr. Alan Greenberg
Chiropractor/Homeopathic Practice

1 Central Avenue
Mays Landing, NJ 08330
(Across From McDonald's)

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EXHIBIT # 1
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PUBLIC RECORD